

CITIES POWERLESS TO GRANT FRANCHISES

City Councils Cannot Act for Six Months or More.

LEGISLATION IS HELD UP

No Laws in Force as Required by Virginia's New Constitution.

THE LEGISLATURE MUST ACT

It Will Adjourn Until November—No Enactment on Franchise Granting Expected Before January—Effect Upon Local Applicants for Privileges—Much Inconvenience.

One of the sequences of the operation of the new Constitution is the fact that for a period of five or six months at the least, and probably longer, it will be impossible for the Council of any city or town in the State to grant to any company a franchise for street railways, telephone plants and the like.

In the consideration of the conditions imposed upon the granting of such franchises by the new Constitution the circumstance that leads to this peculiar state of affairs has escaped the attention, for the most part, not only of those connected with the legislative branch of the various municipal governments in the State, but of the representatives of companies now making application for franchises as well.

The new Constitution provides in relation to franchises that cities shall "receive bids therefor publicly in such manner as may be provided by law, and shall then act as may be required by law." It is not until the Legislature has passed laws for the purpose of carrying out this matter that cities can act.

It is hardly probable that any will be on the statute books before next winter. The Legislature adjourns in a few days to meet in November, and it is likely that it will not convene until the first of December.

Had Escaped Attention. The situation has escaped general attention. In Richmond several companies are at this time asking for franchises. The Richmond Telephone Company's new franchise ordinance will come up before the Street Committee of the Council to-morrow.

When seen last night President Turpin, of the Board of Aldermen, and President Bloomberg, of the Common Council, both of them lawyers familiar with the new Constitution, concurred in this view of the matter. They were both of the opinion that, however desirable or advantageous, the city under the new Constitution could grant no franchise until the Legislature acts in the matter.

The serious and far-reaching results of this situation can easily be seen at a glance. For six months or a year the Passenger and Power Company will be kept off Brook Avenue, and so from the construction of the proposed line on the Brook Road to Lakeside and on to Ashland. For six months or a year longer the Richmond Telephone Company will be held down by its rival, the Bell Company, under its recently acquired franchise, while it is in position to charge rates that will permit of a fair business profit. In other cities there are doubtless many similar instances.

Language of Constitution. The exact language of the Constitution on this point, which is found in Article 8, section 125, is as follows:

"Before granting any such franchises or privileges for a term of years, except for a trunk railway, the municipality shall first advertise the same, and shall receive bids therefor publicly, in such manner as may be required by law, and shall then act as may be required by law."

This being an entirely new matter in Virginia, there are at present no laws providing for the manner in which such advertisements shall be made, and no provisions as to the manner in which the franchise, after advertisement, shall be sold.

It is understood that the purpose of this section in the Constitution, the author of which is Mr. C. V. Mendenhall, is to secure compensation for the municipality in return for the franchises granted, and to secure the utmost publicity in all matters of this kind which may be before the different municipalities of the State.

Laws Necessary. In order to carry out the intent of this section it will be necessary for the Legislature to provide the manner in which the municipality shall advertise that fact that such application for franchise is pending before its Council, and the Legislature must also provide the manner in which the same shall be sold after due advertisement.

The Constitution provides that the city "receive bids therefor publicly." But it is understood that it does not necessarily follow that the Legislature will provide that such franchises will be sold to the highest bidder.

GRAND JURY TO TAKE UP BRIBERY SCANDAL

Special List of Nine Men Called for To-Morrow.

SEVEN WITNESSES NAMED

Others May Be Summoned To-Morrow. Commonwealth's Attorney Richardson is Giving the Case Close Study.

A special grand jury, composed of nine representative citizens of the first standing in Richmond, has been called by Judge Whit of the Hustings Court, to assemble to-morrow to investigate the Gassner-King bribery scandal.

The names of the grand jury may indicate the thorough-going character of the investigation which will be inaugurated. The following well known men will compose the grand jury:

Mr. Junius B. Mosby, of Cordes and Mosby, president of the Westmoreland Club.

Mr. W. T. Hancock, tobacco manufacturer.

Mr. S. Dabney Crenshaw, secretary of the Virginia-Carolina Chemical Company and president of the Commonwealth Club.

Mr. W. H. Cullingsworth, coal merchant and former postmaster.

Mr. A. R. Yarbrough, of W. J. Yarbrough and Sons, tobaccoists.

Mr. Isaac Cohen, of the Cohen Company.

Mr. Thomas M. Rutherford, capitalist.

Mr. C. E. Wingo, of Wingo, Ellett and Crump.

Mr. J. E. Phillips, of J. E. Phillips and Son.

This special grand jury was called to meet at 11 o'clock to-morrow, and the matter will be placed before it at the request of Commonwealth's Attorney D. C. Richardson.

Witnesses Called. Seven witnesses have been called to testify before the grand jury. It is intimated that possibly others may be called on Monday. Those who have been called are:

Colonel W. E. Cuthaw, city engineer, the central witness in the investigation to whom Captain Gassner made the statement, which he afterwards denied.

Mr. J. M. Gassner, who was the latter's partner in the business of the late Captain Gassner.

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A Fearful Tragedy in Washington County.

(Special Dispatch to The Times) ABLINGTON, VA., July 19.—Moses W. Litton, a well-to-do and highly respected farmer, who lives five miles west of Saltville, in Washington county, shot and killed his neighbor, John Collins, late yesterday evening. For some time past bad feelings have existed between the two families.

Yesterday morning Litton drove Collins' chickens out of his place, and in doing so crippled some of them. Collins came up and asked Litton if he would allow him to come in the field and get the crippled ones, to which Litton assented. As Collins came into the field Litton continued his work, picking briars from hay, and while thus employed Collins stepped up behind him and gave a blow on the head with a fork handle, knocking him senseless and left him lying on the ground.

In the evening as Collins was passing Litton's house on a load of hay, Litton fired upon him twice from his front yard with a double-barreled shotgun, both loads taking effect. Collins living only five miles from the time of the shooting Collins fired several shots from a pistol at Litton without effect.

The occurrence is a deplorable one, as both families are highly respected people. Litton is now under arrest, will waive preliminary hearing and ask court for bail.

MISS JOHNSTON COMES IN THE FALL

Major Johnston Has Leased the Handsome Thomas Residence, No. 113 East Grace.

Miss Mary Johnston, the authoress, is to become a resident of Richmond early in the fall. Major Johnston and his family, including his daughter, Miss Mary, will take up their residence in this city the latter part of September.

Major Johnston on yesterday concluded negotiations, through Mr. N. W. Howe, for the lease of the residence of the late Professor W. D. Thomas. This is No. 113 East Grace Street and is one of the most commodious and handsome homes in the city.

It is a massive structure, built in colonial style. The rooms are large and handsomely finished. Dr. Thomas was noted for his taste as exhibited in his house. He was himself a man of literary tastes and he had the means and did not spare it to make his residence beautiful.

Major Johnston, through Mr. Howe, has been negotiating for the lease of this property for about ten days, but the members of the Thomas family were so scattered that the matter could not be arranged sooner. Major Johnston told a Times writer when he was here that if he could lease the house he wanted, and he has done that now—he and all his family would come here the latter part of September and take up their permanent residence. The family will occupy the house only until the residence on the lot adjoining the home of the late Major Ginter can be built.

Captain Dimmock, an architect of this city, is now engaged in making designs for this structure, which is to cost in the neighborhood of \$35,000, possibly more than this sum.

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ROBERT C. SOUTHAL PROBABLE NOMINEE

Incomplete Returns Point to His Victory.

LASSITER CLAIMS FIGHT

Lunenburg, a Lassiter County, Not Yet Heard From.

MECKLENBURG INCOMPLETE

Some Talk of Fraud, but No Well Grounded Belief for the Suspicion. Election Officials Have Two Full Days to Make Returns and Fraud Could Easily Be Detected.

The incomplete returns from the congressional Democratic primary in the Fourth District and carefully estimated majorities for missing precincts, point to the incumbent, Major Francis R. Lassiter, Amelia county, over his opponent and the incumbent, Major Francis R. Lassiter, of Petersburg, by a majority ranging from fifty to seventy-five votes.



ROBERT G. SOUTHAL, Of Amelia, the Probable Nominee for Congress from the Fourth District.

The vote of Lunenburg county will probably decide the contest, and Southall's majority may be even less than the figures named. Brandon Precinct, in Prince George, which is put down for Southall, may give Lassiter a few votes. Plat Creek Precinct, in Mecklenburg, is estimated by the county chairman to give Southall fifteen votes, whereas, as un-

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Man's Cheek Crushed By a Hard Thrown Ball

Mr. William Goode, a young man living on Eleventh Street in Manchester, was struck in the face by a foul ball while watching a game at Forest Hill yesterday afternoon. His cheek and jaw bones were broken. Prompt medical attention was necessary.

The young man, with others, had stopped behind the catcher in direct line with the pitcher to see the downward shoot of the ball as delivered by Pitcher Thomas, of the "Blue Jeans." The batter striking at the ball just batted, the catcher had lodged his head to one side and the ball struck Mr. Goode under the left eye on the cheek bone. Clapping his hand over his face the young man turned around with a look of great pain. Friends rushed to his side and on feeling his jaw found that it had been broken in several places. He was taken to a physician in the city who treated him.

Just about ten minutes before this accident, Umpire Encho, who was standing just behind the bat, was struck in the eye by a ball, but with less force. He left the field in charge of friends. The speed of Pitcher Thomas, who comes here from Cincinnati, and is playing with the "Blue Jeans," is very great.

WESTHAMPTON IS NOT ABANDONED

Manager Thomas Says Report is Erroneous—Hands Discharged Who Had Completed Work.

The report put in circulation yesterday that Westhampton Park would be abandoned by the Passenger and Power Company, as a suburban resort, and that all men engaged in the work of beautifying the grounds, and in charge of its affairs, had been laid off was erroneous.

In contradiction the following letter was received last night by The Times from Mr. W. F. Thomas, the manager of the park:

Sir:—The reports published in this afternoon paper relative to the discharge of all employees at Westhampton Park and the consequent closing of all amusements is entirely erroneous.

I have not any idea of closing up any amusement, but to the contrary have plans well under way for the addition of various attractions. This rumor probably started from the fact that a gang of abusers who have been engaged in cleaning up the grounds, having finished this work were this afternoon dispensed with.

The Passenger and Power Company has given me no instructions of any kind tending to lessen the importance of this resort and as far as I can learn it has no intention of doing anything than pushing it to the fullest extent.

Very truly,
W. F. THOMAS,
Manager Westhampton Park.

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HAVE NOT AGREED ON NINE-HOUR DAY

FIFTY THOUSAND TO AID STRIKERS

United Mine Workers Adjourn After Voting This Sum.

APPEAL IS MADE TO PUBLIC

Miners Who Are at Work Are Assessed Ten Per Cent. of Gross Earnings, or One Dollar a Week to Aid—Officers Also Help.

(By Associated Press.) INDIANAPOLIS, IND., July 19.—At 1 o'clock this afternoon the convention of United Mine Workers adjourned, after declaring against a general strike, providing for the raising of a fund with which to aid the striking anthracite miners and issuing an appeal to the American people for support.

The resolutions brought in by a special committee are practically identical with those suggested by President Mitchell, and were unanimously adopted by the convention.

The national treasurer is authorized and directed to immediately appropriate \$50,000 from the funds of the national treasury and place it at the disposal of the officers of districts, Nos. 1, 7, and 9 (these are the anthracite districts).

All districts, sub-districts and local unions are appealed to to donate from the surplus in their treasuries as large amounts as they can afford.

An assessment of ten per cent. is levied on the gross earnings of all members of local unions in districts Nos. 8, 12, 19, 23 and 25, and an assessment of \$1 per week upon all members of local unions in districts Nos. 2, 5, 11, 13, 14, 15, 16, 20 and 21.

The members of districts now on strike, which may resume work before this assessment has been removed shall be assessed either ten per cent. of their gross earnings, or \$1 per week, whichever their district may decide from the time work is resumed.

The assessment shall be paid direct from the local unions to the national secretary, and the local unions will be held responsible for the payment of the same.

OFFICERS MUST HELP. An assessment of 25 per cent. will be levied upon the wages, salary or percentage received from the organization of all national, district and sub-district officers and organizers.

The assessment shall begin with the 6th of July, 1902. All contributions made from the national officers to the anthracite region will be divided pro rata to the number of miners and mine laborers in each of them, as shown by the most recent coal reports.

The following amendment, submitted by President Nichols, of anthracite district No. 1, was included:

"That each local union in the regions that are at work select a committee which shall secure work for as many men on strike as possible and the locality, where the local union is situated, and that the local union secretaries of the strike districts of the number of men engaged in the kind of work, wages and arrangements for transportation. That the same proposition be submitted to all local unions in the American Federation of Labor."

"That the circular to our local unions shall include a recommendation that committees be appointed to canvass the business men and other citizens of their localities for subscriptions."

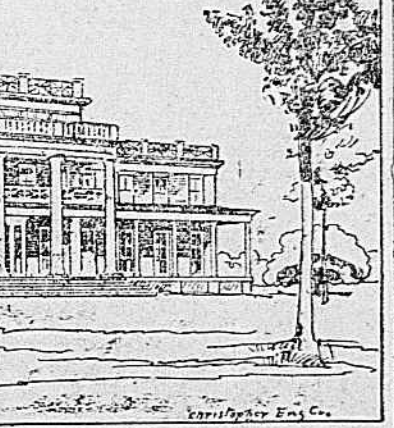
The circular to the public states: "We believe that our interests in the community and our obligations to the operators, with whom we have agreements, require that we shall not inaugurate a general suspension of work in the coal trade. They may destroy our contracts, but they cannot make us violate our contracts."

STRUGGLE WILL CONTINUE. "The struggle in the anthracite region will be continued until our demands have been granted or a competent body of arbitration has declared that we are wrong."

A general plea is made for assistance in raising one million dollars per month from outside sources as long as the strike may last.

The miners of Illinois have appropriated \$100,000 of their treasury; Ohio gave \$10,000, and Iowa and Indiana promised contributions later.

HENRY CLAY INN OPENED IN PRETTY ASHLAND TOWN



The Henry Clay Inn, of Ashland, has been thrown open to the public to-morrow. This new hotel, bearing an honored name, occupies a picturesque and beautiful site near the depot.

It is a handsome up-to-date building, one hundred and fourteen feet long, the main house is eighty-two feet deep, while the wings are forty feet. It is two and three stories high. Along the front is a broad piazza one hundred and fourteen feet long.

The building has thirty large, elegant, furnished rooms, a dining room thirty-seven by thirty-five feet with a beautiful commodious lobby. The hotel will be lighted with gas, has water throughout, bath-rooms and all modern conveniences usually found in the best city hotels.

The sanitary arrangements are perfect. The table will be supplied with the best market affords. Lithia springs, sulphur springs, cistern and well water will be furnished in abundance.

Matter Still Open Between Company and Men.

WILL CONFER TO-MORROW

Officers and Committee to Talk the Matter Over.

VOTE OF UNION NOT ACCEPTED

Company Prefers That the Employees Shall Sign Paper in Hands of Superintendent Saying Whether They Prefer Nine or Twelve-Hour Day.

There was a turn in the affairs of the street car people yesterday, changing the complexion of the situation here and giving it a phase in which there are possibilities of another tie-up, unless both sides proceed most conservatively to effect its adjustment.

The whole trouble arises out of the action on the part of the Passenger and Power Company in sending out the superintendents of its different divisions, petitions to be signed by the men, showing whether they prefer the nine or twelve-hour schedule. There are two of these petitions, each superintending one for nine hours, the other for twelve hours. Each employee on the line is asked to sign one or the other, in order that the company may ascertain the wishes of the majority of the men on each division, and be governed thereby in inaugurating the desired schedule.

THEIR RESPECTIVE POSITIONS. The employees claim that this is contrary to the distinct understanding they had with the officials of the company before they agreed to the vote on the wage question. The men claim the unanimous vote of the union at its meeting Friday night, adopting the nine-hour schedule, should be accepted by the Passenger and Power Company as final, and that without further assurance, the nine-hour shift should be put into effect on all lines.

The company, on the other hand, has not accepted the report of the union's committee as conclusive on the point, but desire that it be informed of the desire of the men by the signing of the petitions in the hands of the superintendents.

STUCK FOR NINE HOURS. The men hold the view that they struck mainly for nine hours, and that they considered that point settled and understood by all parties before the scale question was submitted to arbitration. This is the brief statement of the situation.

(Continued on Second Page.)

SUMMARY OF TO-DAY'S NEWS

FORECAST.

Sunday occasional showers and thunderstorms, with rising temperature. Monday fair; light southwest to south winds. Highest temperature yesterday, 89. Lowest temperature yesterday, 72. Mean temperature yesterday, 80. Normal temperature for July, 80. Deviation from normal temperature, 0. Precipitation during past 24 hours, .05.

LOCAL.

City Councils stopped by the new Constitution from granting any franchise until necessary legislation is enacted. Special grand jury summoned for to-morrow to investigate the charge of bribery in connection with city contracts. Street railway company and its employees at variance with reference to adopting the nine-hour day. To confer to-morrow.

Great interest in the work of the Legislature this week. Three important matters to be decided. William Goode has his cheek and jaw broken while attending a ball game at Forest Hill Park.

End Park and is seriously injured. Congressman Lamb and Mr. Jefferson Wallace expected to meet in joint discussion of the anthracite coal mines. The Starlight Social Club raided in the early morning and twenty-five arrests made.

Deer Association to meet on Tuesday, with Hebrew Church in King William county. The Campbell-Crawford cowhiding case to come up at Amherst Courthouse to-morrow.

Means secured for the temporary support of a fellowship at the Virginia Theological Seminary. Citizens of Swansboro hold a meeting and adopt strong resolutions in favor of better waterworks in their town, even to sending the police inside the saloons.

The Louisa license case argued by able counsel. A boy found unconscious under a railroad bridge at Radford. Town in darkness.

Judge Mullen passes by all contested cases requiring a jury. Families of physicians must move from Southwest State Hospital on account of friction.

GENERAL. Miners adjourn after voting for an assessment to aid the striking anthracite miners and declaring against a general strike. Colombian and insurgent vessels engaged in a battle. A great land fight also supposed to have taken place at Agua Dulce.

Is very late on the Chicago Board of Trade sends the price higher than it has been since 1871. Summer manoeuvres of the North Atlantic begin off the New England coast.

Louis B. James, nineteen years old, wins the amateur golf championship of America at the National Golf Club, by defeating Byers by a score of four up and two to play.